

CHAPTER 5

ARTICLE 30 – INMATE SMOKING POLICY

August 22, 2005

53040.1 Policy

Smoking, possession, or use of tobacco products by inmates, is prohibited. A tobacco product in the possession of an inmate is considered contraband.

53040.2 Purpose

This article sets forth the operational practices associated with the Department's ban on inmate smoking and tobacco possession. Implementation of the ban is based on the Penal Code (PC) Section 5038.1 and the applicable regulations are found in the Title 15 of the California Code of Regulations (CCR), Sections 3006, 3187, 3188, and 3189.

53040.3 Definitions

For purposes of this article, the following definitions shall apply:

- Smoke or smoking means inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or smoking paraphernalia used for consuming the smoke of tobacco or any other burning product.
- Tobacco product means any product that contains tobacco, the prepared leaves of any plant belonging to the nicotiana family, which shall include, but not be limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco, tobacco substitutes, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco related products as well as packaging material. Packing material includes, but is not limited to, snuff or cigarette containers.

53040.4 Tobacco Use Cessation Assistance.

All institutions/facilities shall provide tobacco use cessation assistance to inmates in a manner consistent with its physical design and security requirements. However, no institution/facility is obligated to purchase tobacco cessation aids for inmates pursuant to this policy. Tobacco use cessation assistance may include, but will not be limited to, the following:

- Tobacco use cessation classes.
- Distribution of printed tobacco cessation material.

53040.5 Inmate Violations

Inmates violating the provisions of this policy and the limitations of CCR, Title 15, Sections 3006, 3187, 3188, or 3189, on July 1, 2005 and thereafter shall be subject to the disciplinary process set forth in Department Operations Manual (DOM), Chapter 5, Article 23, Inmate Discipline, and the disciplinary methods, administrative and serious rule violation provisions of CCR, Title 15, Sections 3312, 3314, and 3315.

53040.6 Revisions

The Chief Deputy Secretary, Adult Operations, or designee, shall ensure that the content of this article is accurate and current.

53050.7 References

PC § 5030.1.

Government Code §§ 7596 through 7598, 19994.30, 19994.33, and 19994.35.

CCR, Title 15 §§ 3006, 3187 through 3189, 3312, and 3314 through 3315.

DOM Chapter 5, Article 23 §§ 52080.1 through 52080.35.